



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

Special Use Permit #RSP03-009, Warehouse Demolition and Power Line Relocation, San Jose, California. Demolition of the 210,000 square foot, vacant warehouse and rerouting of a segment (approximately 4,400 feet) of the planned 115 kV power line between Substation B and the FMC Substation. The project site is located in the City of San Jose, south of Coleman Avenue, west of the Guadalupe River, east of the intersection of Chestnut Street and Asbury Street, and north of the Union Pacific Railroad tracks ; APN 259-13-065
(Union Pacific Railroad Company, Owner/Developer).

Council District: 3

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **January 20, 2004**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **December 19, 2003** and ends on **January 19, 2004**.

A public hearing on the project described above is tentatively scheduled for **January 20, 2004 at 10:00 a.m.** in the offices of the Redevelopment Agency of the City of San Jose, 50 West San Fernando Street, Suite 1100, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, at the offices of the Redevelopment Agency of the City of San Jose, 50 West San Fernando Street, Suite 1100, San Jose, CA 95110, and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Akoni Daniels** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 18, 2003

Deputy

DRAFT
MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Warehouse Demolition and Power Line Relocation, San Jose, California

PROJECT FILE NUMBER: Special Use Permit File #RSP03-009

PROJECT DESCRIPTION: Demolition of the 210,000 square foot, vacant warehouse and rerouting of a segment (approximately 4,400 feet) of the planned 115 kV power line between Substation B and the FMC Substation.

PROJECT LOCATION & ASSESSORS PARCEL NO.: The project site is located in the City of San Jose, south of Coleman Avenue, west of the Guadalupe River, east of the intersection of Chestnut Street and Asbury Street, and north of the Union Pacific Railroad tracks; 259-13-065

COUNCIL DISTRICT: 3

NAME OF APPLICANT: Rick Gooch, Union Pacific Railroad Company

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

49 Stevenson Street
San Francisco, CA 94105
(415) 541-7050

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. AIR QUALITY

Mitigation Measure III.b-1: During construction, the Applicant shall require the construction contractor to implement BAAQMD's basic dust control procedures required for sites smaller than four acres, such as the power line rerouting, to maintain project construction-related impacts at acceptable levels. Implementation of BAAQMD's basic dust control procedures would mitigate the potential impact to less than significant. Elements of the "basic" dust control program for project components that disturb less than four acres shall include, but not necessarily be limited to the following:

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep streets (with water sweepers using reclaimed water if possible) at the end of each day if visible soil material is carried onto adjacent paved roads.
- Mitigation Measure III.b-2: During the 30 day period for the warehouse demolition, enhanced control measures would be required, in addition to Mitigation Measure III.b-1, to maintain project construction-related impacts at acceptable levels; this mitigates the potential impact to less than significant.

The following enhanced control measures should be implemented during the warehouse demolition, which would increase the construction sites to greater than four acres:

- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas.

- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Limit the area subject to excavation, grading and other construction activity at anyone time.

2. GEOLOGY AND SOILS

Mitigation Measure VI.c-1: The Applicant shall undertake geotechnical studies, as appropriate, for the sites of all new TSPs to determine the hazards of liquefaction, lateral spreading, lurching, weak soils subject to settlement, or other forms of failure under design forces for a maximum credible earthquake (MCE) in the area. The Applicant shall use and supplement as necessary: the engineering geology information developed as a part of the Mitigation Monitoring Plan for the FMC Project.

3. HAZARDS AND HAZARDOUS MATERIALS

Mitigation Measure VII.a-1: Following determination of the final power line route and when planning the warehouse demolition, the project applicant shall review the ESA completed for the site by McCulley, Frick, and Gilman, Inc. to identify specific locations where known soil and groundwater impacts exist. The contractor shall prepare a site-specific Health and Safety Plan based upon soil and groundwater data in the ESA, in accordance with federal and state Occupational Health and Safety Administration (OSHA) requirements, for project demolition and construction occurring in previously identified impacted areas. Soil stockpiles from demolition and excavation activities shall be sampled in accordance with the Santa Clara County Department of Environmental Health, federal, and state waste discharge requirements, and disposed of accordingly.

Compliance with Mitigation Measure VII.a-1 would reduce potential impacts associated with contaminated soils to a less than significant level

4. NOISE

Mitigation Measure XI.a-1: To reduce the construction noise effects, the Applicant shall ensure that noisy demolition and construction activities at the project site and nearby sensitive receptors, if any shall be limited to the least noise-sensitive times of day and week of 7:00 a.m. to 6:00 p.m., Monday through Friday.

Mitigation Measure XI.a-2: To reduce the construction noise effects, the Applicant shall ensure that all construction equipment used for power line construction shall be adequately muffled and maintained. -

Mitigation Measure XI.a-3: To reduce the construction noise effects, the Applicant shall ensure that all stationary construction equipment (i.e., compressors and generators) shall be located as far as practicable from sensitive receptors.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Ending Date**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: December 18, 2009

Deputy

Adopted on: _____

Deputy